IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.450 OF 2007
IN
CRIMINAL APPEAL NO.375 OF 2007

1. Ibrahim Dastagir Shaikh
2. Mohamed Jakir Ibrahim Shaikh ...Applicants.

V/s.

The State of Maharashtra & Anr. ...Respondents.

Mr.H.K.Prem & Priyanka Vegad, advs. for the Applicants.

Mr.D.P.Adsule, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 21st April, 2007.

P.C.:

1. Heard the learned counsel for the Parties.

2. The applicants, who are original accused nos.1 and 2 and father and son inter-se, were convicted for the offences punishable under Section 304(II) read with Section 34 of the I.P.C. and were sentenced to undergo R.I. for 5 years and to pay fine of Rs.2,000/-. They were also convicted alongwith some other accused for the offences punishable under Section 323 read with Section 34 and were sentenced to undergo R.I. for six months and to pay fine of Rs.500/- each. They have preferred appeal challenging the conviction and sentence. Appeal is admitted. By this application, the applicants seek to be released on bail pending final hearing and

disposal of the appeal.

3. The learned counsel for the applicants has taken me through the oral evidence and the judgment of the trial Court. According to him, there is no evidence on record to show that fatal wound was caused by any of the present applicants, who are convicted under Section 304(II) of the I.P.C. This is material because other two accused were convicted only under Section 323 of the I.P.C. He also contended that medical evidence does not reveal that the death had occurred due to blow with stick or due to fall on the ground or due to pushing. The applicants are in custody since July, 2005 and thus, practically they are in jail for about 21 or 22 months. Taking into consideration the nature of evidence, the total period of sentence awarded and the period during which the applicants are already in jail, I find that the bail may be granted to them.

4. The applicants be released on their executing P.R.Bond of Rs.15,000/- each with surety in the like amount and subject to their depositing fine amount.

5. Application stands disposed off.

(J.H.Bhatia,J.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPEAL NO.375 OF 2007

1. Ibrahim Dastagir Shaikh
2. Mohamed Jakir Ibrahim Shaikh ...Appellants.

V/s.

The State of Maharashtra & Anr. ...Respondents.

Mr.H.K.Prem & Priyanka Vegad, advs. for the Appellants.

Mr.D.P.Adsule, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 21st April, 2007.

P.C.:

1. Heard Mr.H.K.Prem the learned counsel for the Appellants and Mr.Adsule, the learned APP for the State.

2. Admit.

3. Call R & P.

(J.H.Bhatia,J.)